



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,951	12/30/2003	Gregor K. Frey	6570P046	7891
45062 ' 7590	01/22/2008			
SAP/BLAKELY 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER MADAMBA, GLENFORD J	
			ART UNIT	PAPER NUMBER
			2151	
			MAIL DATE	DELIVERY MODE
			01/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/748,951

Applicant(s)

FREY ET AL.

Examiner

Glenford Madamba

Art Unit

2151

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: _____.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because:

The Office has fully considered Applicant's remarks and has deemed them unpersuasive to overcome the current rejection of the claims under 35 U.S.C. 103(a) as being unpatentable over Cundiff in view of Patrick. The Office maintains that Applicant's argument that neither Cundiff nor Patrick teaches or discloses the recited features of "one or more monitor servers to monitor the resources (of the managed bean servers) and "each managed bean server further having a 'container' to hold the managed beans and a 'registry' of associated managed beans, is expressly taught by the combination of Cundiff and Patrick, as in accordance with the language and current recitation of the claims.

With regards to Claims 1, 10, 19 and 25, Cundiff in view of Patrick discloses a Java monitoring architecture (JMA), comprising: one or more monitor servers (e.g., single JVM server or multi-process JVM server { MP J2EE application server_100} with JMX functionality / implementation) to monitor resources, collect monitoring data associated with the resources, and provide the monitoring data to one or more destinations (e.g. managing and monitoring devices, applications and services) [0004], wherein each monitor server includes a Java Management Extensions (JMX)-based monitor server [0011] [0018] [Fig. 1 & 5]; and one or more managed bean servers (Mbean Server 45) coupled with the one or more monitor servers, each managed bean server having a registry (i.e., "registerListener" / registry) [Fig. 3] [0006] [0011] [0038] [Fig. 10] of associated managed beans to facilitate the one or more monitor servers to monitor the resources [0011] [Figs. 1-4], each managed bean server further having a container to hold the managed beans, the managed beans to access management applications to manage the resources that are being monitored.

While Cundiff discloses substantial features of the invention, he does not expressly disclose the additionally required feature of each managed bean server further having a container to hold the managed beans, the managed beans to access management applications to manage the resources that are being monitored. Patrick discloses the feature in a related endeavor.

Patrick discloses as his invention a system and method for a configurable distributed security system comprising a security service module capable of dynamically instantiating one or more plugin security provider modules, wherein the security service module is capable of controlling access to one or more "resources" based on the security information. In particular, Patrick discloses the above additional feature of each managed bean server further having a container to hold the managed beans, the managed beans to access management applications to manage the resources that are being monitored (e.g., 'container') [0114].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Cundiff's invention with the above said additional feature, as disclosed by Patrick, for the motivation of providing a configurable distributed security system that can be deployed to protect enterprise applications in a heterogeneous computing environment [0023]

Claims 10, 19 and 25 recite the same limitations as claim 1, are distinguished only by their statutory category, and thus rejected on the same basis.